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**YARMOUTH PLANNING BOARD MINUTES**

January 12, 2022

**I. CALL TO ORDER**

Wendi Holden called the meeting to order at 7:00 PM.

**II. ROLL CALL OF MEMBERS**

	<b>PRESENT</b>	<b>ABSENT</b>
Wendi Holden, Vice Chair	X	
Andrew Bertocci	X	
Hildy Ginsberg		X
Mary Lynn Engel	X	
Janet Hansen	X	
Jerry King	X	

**OTHERS**

Erin Zwirko, Director of Planning & Development  
Nicholas Ciarimboli, Code Enforcement Officer  
Wendy Simmons, Administrative Assistant, Recording Secretary

**III. APPROVAL OF MINUTES**

Upon a motion duly made by Mary Lynn Engel, seconded by Andrew Bertocci and carried by a roll call vote of 6-0 the minutes of the December 8, 2021 meeting were approved.

**IV. COMMUNICATION**

E. Zwirko gave an update on projects

- Taking lead from Town Council, the Planning Board decided to go to fully remote meetings. At the next meeting the Board will adopt a retroactive declaration approving this decision.
- The Affordable Housing Committee is attending the Town Council's next Operations Committee meeting on 1/27/22 to discuss policy and zoning recommendations. The Affordable Housing Committee has requested a joint meeting with Planning Board which will be scheduled in February.
- A full time Assistant Planner was hired and will be starting in February.

**V. PUBLIC HEARING ITEMS**

**A. OLD BUSINESS:**

None

**B. NEW BUSINESS:**

- 1. Workshop Item: Concept Ch. 702 Site Plan Review and Ch. 703 Building & Lot Plan, Renovation and Expansion of Travis Roy Arena; SD-1, NYA Campus Special District; Vicinity of 497 Route One; Map 32 Lot 125; North Yarmouth Academy, Applicant.**

The applicant seeks approval of a renovation and expansion of the existing Travis Roy Arena located at North Yarmouth Academy in the vicinity of 497 Route One. The expansion totals approximately 2,741 square feet. Associated façade improvements, utility, landscaping, stormwater, accessibility, and other site improvements will also be completed. This project is scheduled for concept review and a vote will not be taken. Public comment will be received.

Tim Hebert, Construction Manager, and Will Haskell, Engineer, gave an overview of the project. The addition to the NYA Ice Arena is campus facing, will not increase occupancy or trigger a Change of Use. The expansion will further support the school community by improving existing functions. Their construction timeline is to begin in early spring with the completion by hockey season 2022. The DEP permit is pending with the State and a stormwater report will be provided at the next meeting. They are proposing sidewalk, landscaping and stormwater improvements. The parking lot will largely remain the same with a few added spaces including 2 ADA van accessible spaces and restriping. The Town staff recommendation for year-round screening at the tennis courts will be considered. The existing garage next to the building will be relocated and bike racks will be added. A parking waiver may be requested; but they have a shared parking agreement with Clayton's and there is also street parking on Main St. available. Other than site lighting at the entrance no additional lighting is proposed.

Adam Wiles-Rosell and Austin Smith, Simons Architects, gave an overview of the architectural design and layout of the building. Seating within the arena will be revised to include ADA seats. The first floor will hold the ice arena and locker rooms. The 2<sup>nd</sup> floor holds the warming room, additional spectator seating including ADA seating, a multi-purpose room, offices, and fitness space. The exterior will be constructed with corrugated metal, glass and masonry. A new entry will be constructed and the building will have improved efficiency.

The Board asked about providing additional lighting around the arena. The design may include wall-mounted fixtures. The Board also asked about the propane tanks shown on the site plans. NYA is discussing with Summit Natural Gas to connect to natural gas.

Vice Chair Holden opened to public comment.

Dan Ostrye, 22 Spartina Point

On behalf of the Bike and Pedestrian Committee they appreciate the sidewalk connections and ADA compliance. Questioned where the water from the awning would run off to and is concerned about it draining onto the sidewalk creating slippery conditions. If they propose additional landscaping at the road he requested ensuring the vegetation is low growth because it can impact site lines.

Public comment closed

The Board questioned if a waiver for fenestration and glazing would be required? Questioned how NYA would prevent people from parking in the turn around? Questioned if a charging station would be required? The Board requested further information about the parking agreement with Clayton's, more details on signage and renderings of the different perspectives of the building. If they are proposing waivers, they requested detailed information and reasoning why a waiver is necessary. Overall supportive of the proposal.

**2. Workshop Item: Concept Ch. 703 Development Plan and Ch. 601 Major Subdivision, Railroad Square Master Plan; CD-4, Village Center District; Vicinity of 48 Railroad Square; Map 37 Lot 28 & 29A; Railroad Square Associates, LLC, Applicant.**

The applicant seeks approval of a Development Plan consistent with the requirements of Chapter 703, Character Based Development Code, Article 6, and Major Subdivision Plan per Chapter 601. A Development Plan lays out the location of thoroughfares (roads) and blocks as well as pedestrian and bicycle connectivity, open spaces and civic spaces, mix of uses and densities, landscaping, architectural design context, and stormwater management. A mix of uses are proposed, including civic space of 2,750 square feet, commercial space of 7,600 square feet, and 61 residential units. This is the first in a series of public hearings on this project and will be introductory. Future meetings will be focused on topics such as roads, blocks, green spaces, connectivity, traffic, parking, sustainability, and architectural design. This project is scheduled for concept review and a vote will not be taken. Public comment will be received.

This is the first Development Plan seen by the Planning Board under the Character Based Development Code. E. Zwirko provided information on what the Planning Board should be considering in the review of this project. The timeline is roughly 6 months of Planning Board review over 5 meetings.

The development team, Tamson Bickford Hamrock, Matt Teare, Rick Licht, Keith Smith, Matt Ahlberg and Jim Damicis gave an overview of the project.

The property has been in the Bickford family for many years and previously used for Bickford Transportation. The Pavilion was built for Irv Bickford to house his antique truck collection. Mr. Bickford envisioned the land someday having Senior Housing. The project consists of 3 buildings of condominiums with parking underneath for the 55+ market, 2 mixed use buildings with apartments above and another building with town homes. Residential units consist of 45 condominiums, 6 town homes and 10 apartments. The Pavilion will potentially be converted into a 3-season space to be used by the community. A bike/walking path will run along the railroad tracks connecting Main St. to Cleaves St. The proposed development is consistent with planning efforts in

Yarmouth and will provide more diverse housing for the community. The project is located within the TIF district sheltering the tax revenue. The Master Plan proposed is in accordance with the Comp Plan, and is guided by the Character Based Development Code creating a neighborhood within the Village zone using Smart Growth principles. The entire development is considered mixed-use development that encompasses live and work all in one location. Pocket parks, community outdoor areas, thoroughfares and green space will be included with a focus on bikes and pedestrians. There are 7 main areas of phased development. The Pavilion (arts & events), 2 mixed use areas, 5 residential buildings.

Vice Chair Holden opened to public comment

Ed Ashley, 20 Spartina Point

Sent in written comments for the Board's review. Questioned why Lots 6 and 7 are separated and why the 2 buildings in lot 4 are connected? Questioned the developer's interpretation of lot frontage? Questioned if the corner of the furthest building of lot 4 was encroaching on the gully at the back of the property? Recommended different colored pervious pavers and patterns to identify different use areas and to encourage slow traffic and pedestrian awareness. Questioned how restrictions of 55+ are enforced? Questioned if short-term rentals would be prohibited?

Todd Patstone, 45 Russells Hill Road

Member of Bike and Pedestrian Committee and is in support of the project.

Dan Ostrye, 22 Spartina Point

Supportive of the project. Appreciated the focus and support of the Rail to Trail connection. Concerned about the safety of the entrance. It is a busy area with traffic and pedestrians in a tight space. Questioned the salt/sand impact on pervious pavers mentioned in the NYA application?

Dash Masland, 42 South St.

The South Street neighbors have specific concerns and are working directly with the developers through their community meetings. Questioned the difference between a throughfare and a cul-de-sac? Questioned where the parking spaces committed to 298 Main St. will be located.

E. Zwirko – considering the entire network of thoroughfares, including those for vehicles, bicyclists, and pedestrians, the property does not have a dead-end or cul-de-sac. It is not just the space for cars that is considered.

R. Licht – Frontage concerns on specific lots will be further addressed in subsequent meetings. More detail about shared parking with 298 Main St. will be forthcoming. Building 4 located in the back of the property does not encroach upon the wetland. They have worked with the DEP and have

accommodated the 50' setback from a wetland. The driveway that wraps around lot 5 leading to the garages is a ravine which will be filled in and has been approved by the DEP, this is not a wetland area. Short term rentals will be prohibited. They will further investigate the question about salt/sand on pervious pavers.

Public comment closed.

The Board had no initial concerns as there is a lot of information to absorb. It is an efficient and good use of space. They appreciate the developers conducting public meetings prior to each Planning Board meeting to share information with the community prior to their meetings. Requested focus on the safety of the intersection.

**3. Action Item: Proposed Amendment to Ch. 702 Site Plan Review; Update language regarding appeals of minor site plan approvals to use term aggrieved party and identify conditions for standing; Requested by Yarmouth Town Council.**

The Site Plan Review Ordinance allows appeals of minor site plan approvals by the applicant or an abutter. The Town Council requests that the language be updated to refer to an aggrieved party, a term used in other Yarmouth ordinances regarding appeals, and to identify conditions for standing. A vote on recommendation to the Town Council is scheduled for this meeting. Public comment will be taken.

E. Zwirko summarized the changes in the zoning language as it relates to the site plan appeal process. The altered language would create consistency across Town ordinances and more clearly define who has standing in bringing an appeal to the Planning Board.

Vice Chair Holden opened to public comment.

Ed Libby, 364 Route One

Agrees with creating commonality in language between ordinances. Concerned the language change gives automatic approval to anyone receiving a notice as a potentially aggrieved party. Appellants should have to prove standing, not have it automatically granted. Concerned this will increase the number of appeals brought forth.

Ed Ashley, 20 Spartina Point

Has no concerns with change. An appellant claiming they are aggrieved still has to make their case.

Public comment closed.

The Board discussed the aggrieved party recommendation including whether the amendment would increase their workload due to baseless claims. The Board acknowledged that consistency across town ordinances is important, but the phrase "aggrieved party" is too general. The Board noted that the amendment would automatically grant standing to those residents and property owners that received a notice, the Planning Board still has discretion to make a determination on the minor site plan approval.

The following motion was made:

On the basis of the application, plans, reports and other information submitted, and the findings and recommendations contained in Planning Board Report dated January 6, 2022, for a Site Plan Review Ordinance Amendment to update the language regarding appeals of minor site plan approvals, Town of Yarmouth, Applicant, the Planning Board finds that the amendment is in conformance with the Yarmouth Comprehensive Plan, and therefore recommends that the Town Council adopt the proposed zoning text amendment.

Such motion moved by Jerry King, seconded by Andrew Bertocci, and voted 4 in favor, 1 opposed, Mary Lynn Engel opposed, Hildy Ginsberg absent.

#### **4. Election of Chair and Vice Chair for 2022**

A motion was made to elect Wendi Holden as Chair and Janet Hansen as Vice Chair.

Such motion was moved by Mary Lynn Engel, seconded by Jerry King and voted 5 in favor, 0 opposed, Hildy Ginsberg absent.

#### **ADJOURNMENT**

With no objection, the meeting adjourned at 10:25 PM.

Respectfully submitted:

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Wendy Simmons, Administrative Assistant, Recording Secretary